



Civil Action No. 5:18-1918-MGL-KDW

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND
PARTIALLY DISMISSING THE COMPLAINT WITHOUT PREJUDICE AND
WITHOUT ISSUANCE AND SERVICE OF PROCESS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 3, 2018. ECF No. 13. On August 17, 2018, the Clerk of Court filed a short letter from Plaintiff with the subject line “Process of civil suit.” ECF No. 17.

A document filed *pro se* is ‘to be liberally construed.’” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Courts are not, however, required to “conjure up questions never squarely presented to them” or seek out arguments for a party. *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985).

Even when construed liberally and in the light most favorable to Plaintiff, Plaintiff’s letter fails to set forth any specific objections to the Report. Instead, it states simply Plaintiff is writing about his “civil suit process,” and it requests he be allowed “to know the truth about [his] civil suit.” ECF No. 17. Any meaningful counter to the well-reasoned conclusions in the Report is absent.

After a thorough review of the Report, Plaintiff’s letter, and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court the portion of the Complaint seeking damages from SCDC is dismissed without prejudice and without issuance and service of process. The Complaint should be served on Lieutenant James S. Johnson.

IT IS SO ORDERED.

Signed this 4th day of September 2018 in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.